

Social Service PILOT and Comparative Impact Study Committee
Conference Room 2 7:30 PM Memorial Building Framingham, Ma

Minutes

February 28, 2006

Note: If a word or sentence is blue and underlined click for the link.

Note: A tape recording of these minutes is available upon request

Attendance: Bob Berman, Dawn Harkness, Cynthia Laurora., Laurie Lee, Wes Ritchie, Nick Sanchez, Steve Orr, Jim Palmer, Yaakov Cohn absent; John Speranza

Meeting called to order by Chair Berman at 7:30 PM and introduced the guest speaker:

Mike Flynn, Town of Framingham Assessor

Mr. Flynn discussed the role of the assessor's office and the mechanics of assessment.

Mr. Flynn discussed the report he made to the BoS back in 1997 for a PILOT program. It did not go anywhere in 1997 but it might have relevance for the committee. Mr. Flynn will make that available for the committee.

He will provide the committee with neighborhood valuation map based on the precincts.

He said the impact on the tax rate due to tax exempt social service properties would be very small.

DOR considers sale to or from an exempt organization no arms length transactions.

The committee thanked Mr. Flynn and said goodbye.

Bob Berman welcomed Mr. Mikielian Building Commissioner

Mr. Mikielian said all the answers we need are on the internet. As soon as he issues a permit he posts it. It is up to date.

The department does not treat social service addresses differently than any other address.

A lodging house gets licensed by BoS, has 4 or more people not related.

Group homes get licensed by the State as to maximum number of people. They can be in a single family house and aren't treated like a lodging house. They are exempt from that by State law.

He gets involved when first established during construction and need construction, otherwise no inspections. They pay all fees incurred.

What are shelters? Not sure

Codes require 75sq ft of bedroom space unless two or more in a room, than it is 50sq ft. This does not include bathroom, living room, and kitchen or misc. space

There are no new lodging houses or SRO's in 8 years.

584 complaints in year. 32 regarding overcrowding (BoH got 20). Complaints regarding SSA property usually is in regard to why they are there. Not too many building code violations, usually properties are well taken care of

If SFH used as group residence they have to have a state license and obtain zoning and building permits, if change of use. Even if they are confidential addresses. He documents

by address. If three people unrelated they do not have to get a permit. Not a group residence. wouldn't trigger any change of use.

How much time does the department spend on SSA issues? Hours and hours. The Wayside Youth project has created a file 6 inches thick and taken three years. There have only been 2 or 3 cases.

Wet shelter on Irving Street is DOVER exempt. Application came in four years ago. They submitted documentation and an educational use plan: who does the training, who are the students. Town Counsel reviews case law. The courts determine education to be broad. Then they got a building permit.

The committee thanked Mr. Mikielian and said goodbye

Motion to take Wes's motion to define residency off the table

Vote: 8 in favor -0 opposed-1 abstain

Wes's motion moved that we define a resident for our study, as a place where a person rests his or her head except when otherwise specified by a vote of this committee

Seconded by Dawn

Nick had raised an objection relative to people who might be in town illegally. That motion is conceding legal residency to those individuals. That is why he cannot support the motion. AN alternative would be to say people who are legal residents of the state , and so on..

Wes didn't think this motion defines anything legally./ It is for the purpose of our study. He didn't think it deals with a legal definition.

It is setting up parameters of what we are looking at. We are constantly pushing up against this issue and this clarifies that.

Dawn was asked to check with the town clerk to see what it takes to vote in Framingham. Ms Ferguson gave her a form used to register to vote in MA. It is also a change of address form etc. To register to vote you must be a U.S. Citizen, MA resident, 18 years old .. that is it. The day you arrive in Framingham is the day you can register to vote. If you use a mail in form you have to show an ID. She said you don't even have to have an address. You can be homeless and just mark the place where you reside.

Laurie thought the issue is that there is no relevance in that definition to what they are doing. They are asked to determine the impacts of SS's on Framingham. We need to understand if people are being brought from outside of town to our town. Once they are here, sure they are residents. But we need to understand, as the state even said, they are sending people from outside of Framingham to Framingham for these programs.

If we are stuck in some legal definition of residency how can we even discuss residency? Then we will not get to the meat of the problem we have been asked to solve.

Wes said that Cynthia brought that up. He didn't think this would stop the group from figuring out if people are brought here for SSA's., at all.

Dawn said that she found it objectionable, and she find it objectionable when she read it on frambors, that many folks don't take into account that many of the SMOC clients who spoke are in fact Framingham residents. They ignore the residency and continue to other

them by calling them SMOC clients. Not residents. Like they don't live work or shop here. They may be new residents, but they are very much residents And she doesn't want us to ignore that or imply they are not residents in our report when we discuss that meeting.

It is fine to draw the distinction between people coming in from other communities, but those are Framingham residents who spoke.

Jim is concerned that he wants consistency in everything we do. All the questions we put to the educational facilities consider residency as where you put your head on a pillow. SO if we are going to use any of their data we better make all the other data consistent with it. You cant compare apples and oranges. He will support this because of this.

Bob Martin was very clear that in Brockton they used 30 days.

Cynthia said that the definition is just what the school department uses.

Dawn said it is the definition we are promoting.

Nick disagreed. Dawn said that you have to be 18 or older.

And a U.S. citizen, so instead of Wes's definition why don't we use the towns definition.

We can accept the definition the schools use for them because children are treated differently than adults.

Nick said he thought Dawns definition from the town was fantastic but that is not Wes's definition.

Dawn said that the distinction is that the town definition is for voting. Many residents of Framingham would not be able to vote. For example, people with green cards. We can't use this definition. She used this to show that for the right to vote, you don't have to be here for long. She recalled Bob Martin's 30 days referred to accessing town services.

Cynthia said for purposes of our study we are looking at impacts, and we need to measure the impact of people coming to Framingham. Even some of the people said the reason people come to Framingham is that we have services their towns don't. How does the system work. Why does one town have the services that many other towns don't.

Wes agreed with Cynthia. This motion wouldn't restrict that at all. If it did he would withdraw it.

He is wiling to engage in a change of the residency definition if our town departments use the 30 day rule. The school uses this definition. He wants to use this as we collect data.

Nick still has problems because children are treated differently than adults. We do not impose restrictions on children, he agrees. But when we are talking about adults, you have certain restrictions. If your motion relates only to children he has no problem. But it is much broader. And he has serous problems.

Laurie wondered if we could strike a compromise. She hears what Dawn is saying about her concerns for the forum and what if we make a statement that the people who gave Framingham addresses were Framingham residents. It is the global meaning that makes her uncomfortable. We will list the addresses.

Wes wouldn't accept that as a friendly amendment. It is a resolution. He doesn't want people confused by frambers etc. His motion is not political. He wants consistency in how we deal with data for now.

Dawn took exception that our whole point to our study is to determine if SSA's are bringing people into town. In our charge there is nothing that says that. That is how you interpret the charge and that is not how everybody impacts the charge. When she reads it , it includes people who have just moved in here today and it includes the people who come here for the SSA's, who work for the SSA's . It is not as narrow as you have been describing it.

That may be your focus but it isn't hers.

Laurie said something similar but she has received emails from people asking specifically to answer that question.

Dawn said it is a fine question but it isn't in the charge?

Cynthia disagreed what the previous speaker said about her previous comment.

We are looking at this issue, residency, as an impact and she believes that is part of the impact. What we have heard right along and we are to address this in our report: that the need exists in Framingham it is an inherent need in Framingham. If our study shows that this is not the case, we do have to show there are X numbers of programs, X number coming from outside. Not good or bad. Just the facts. From the forum it is fair to say that in that forum every person said "I came here for that program.." It showed a pattern that is part of our study.

Jim heard lot of analogies. Everyone came to Framingham for a reason.

The people who came here for SS's came here because the SS's were here. It had nothing to do with them. That is where the SS's were placed. That is what we learned at the state house.

How can you differentiate why anyone came here? They are residents and by definition they are here because they are residents.

Wes said that he is worried that the three previous speakers have brought this to be more political than it is. It is meant to be a policy as we go forward.

He doesn't think the points are relevant to our motion.

Laurie finds it will be confusing to add a layer that she is not comfortable with. She said to Jim that the difference is that if we were asked to study how many people came to Framingham because the schools are good, we would be studying that. We are not asked to study that. She added that if we were she would be happy to study it. It would be a fascinating study and when we are done she might do that.

Dawn said that we were no asked to study how many people we have brought into Framingham. That is not in our charge. That is how some members are interpreting the charge. The whole concept of the impact on Framingham is a very broad subject.

Wes called point of order. While he agrees with Dawn he doesn't think it is on topic

Jim added that this form for registration, he has a son in law that is Brazilian. He can't because of no fault of his own. He can't vote. Is he a resident? All these things that we have heard means nothing because each case is different.

Yaakov asked how are our lives improved with this motion?

Wes said we can still answer Cynthia's question but we can determine how many people are Framingham residents and receiving services. That is different from how many people are coming to Framingham to receive services. Unless we come up with things different.

Cynthia asked if he is saying that anyone currently living in Framingham and using services is a Framingham resident.

Wes said this will enable us to determine how many people are Framingham residents using services from SMOC. This will make it easier to answer.

Bob said that when we met with representative with smoc, advocates and wayside and they asked us how we define it. This actually gives us a definition. So that on March 8 if that same question comes up again, we actually have a definition. That is why he is going to support this.

Laurie disagreed. We came up with a definition when we wrote a follow up letter to them saying that for the purpose of this study we are considering a resident a person who lived in Framingham before using services. We did give them something and they are answering the survey based on that. Bringing in a new definition will be totally confusing.

Lloyd Kaye from the audience spoke. He doesn't think it is our charge to create a second class citizenry. He continues to hear, as do the people watching this, that some people bring up legal and illegal. It is not your charge and should not be mentioned in this room.

Cynthia clarified her viewpoint that we already have a definition: people who were living in Framingham before availing themselves of services and those who were in another town and came in for the services. Everyone is a resident afterwards.

Vote: 4 in favor 5 opposed 0 abstain

Laurie asked if people want her to write a statement about the people speaking at the first forum making it clear they are Framingham residents.

Bob didn't think it mattered, That was not the intent.

Motion to take Jim's SA motion off table

Vote 7 in favor 1 opposed 1 abstain

Wes moves to table this for another week since he has to leave

Second

Vote: 5 in favor 2 opposed 2 abstain

Jim's concerned. If we are to disagree with Town Counsel's opinion and things proceeded into litigation, where do we stand?

Bob said that is part of the tabled motion and will come up then.

Roundtable discussion 3/8/06

The group spoke about who will be coming and the format, what can and should be discussed.

Schedule discussed

Bob moved that we meet on 3/22 with Chris Martes.

Vote 7 in favor 0 opposed 1 abstain

The group discussed the timeframe and Bob reminded them that our charge is to report to the next town meeting and that is not far off.

At this point the tape did not record the remaining minutes of the meeting.

Motion to adjourn

7 in favor 0 opposed 1 abstain